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Chambers, Laura M.

From: EJ Walsh, P.E. [ewalsh@mccarthy-engineering.com] INDEPENDENT REGULATORY
REVIEW COMMISSION
Sent: Monday, November 30, 2009 10:03 AM
To: EP, RegComments
Subject: Proposed Rulemaking, EQB, 25 PA Code Ch 102 'Erosion and Sediment Control and Stormwater Management'

Attached please find our comments regarding the above referenced Rulemaking. The comments have also been included below in accordance with the written directions for submitting comments.

Respectfully Submitted,

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Chapter 102 Comments

Thank you for the opportunity to submit public comments regarding the proposed Chapter 102 Regulations. We offer the following comments for your consideration:

- Section 102.1- The ABACT definition includes a provision for storms 'up to and including the 2-year/24 hour storm.' This contradicts the PCSWM requirements which require rate up to the 100 year storm.
- Section 102.1- The BMP definition has been expanded to include 'after disturbance.' This modification will allow the Department or local Conservation Districts to go after a party years later when the original party may or may not be still responsible. We recommend that a specific time frame be included or this provision stricken.
- Section 102.1- The Conservation District definition has been expanded to include a provision to administer and enforce stormwater management. By authorizing local Conservation District's to fully review stormwater, existing conflicts between local municipal ordinances and Department policy are being exacerbated. If it is the Departments intent to have local conservation district's review stormwater then the Department needs to take steps to be the sole reviewer and remove the municipalities from that function. We also question the local conservation district staff's ability to soundly and professionally review stormwater designs. It has been our experience that very few conservation districts have staff which fully comprehend stormwater design, let alone have adequate professional licensure.
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prevent future miss-interpretation.

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While we agree that outdated requirements have been removed, new requirements have been added. A couple of the new items that will increase costs include, the requirements for additional inspections, long term O&M monitoring and recording keeping, interpretation of definitions, such as restoring water quality, and measurements during construction.

With all of these increased costs, how can the Department justify that there will be a reduction in costs? An analysis of the true projected costs should be provided to the public to substantiate these statements.

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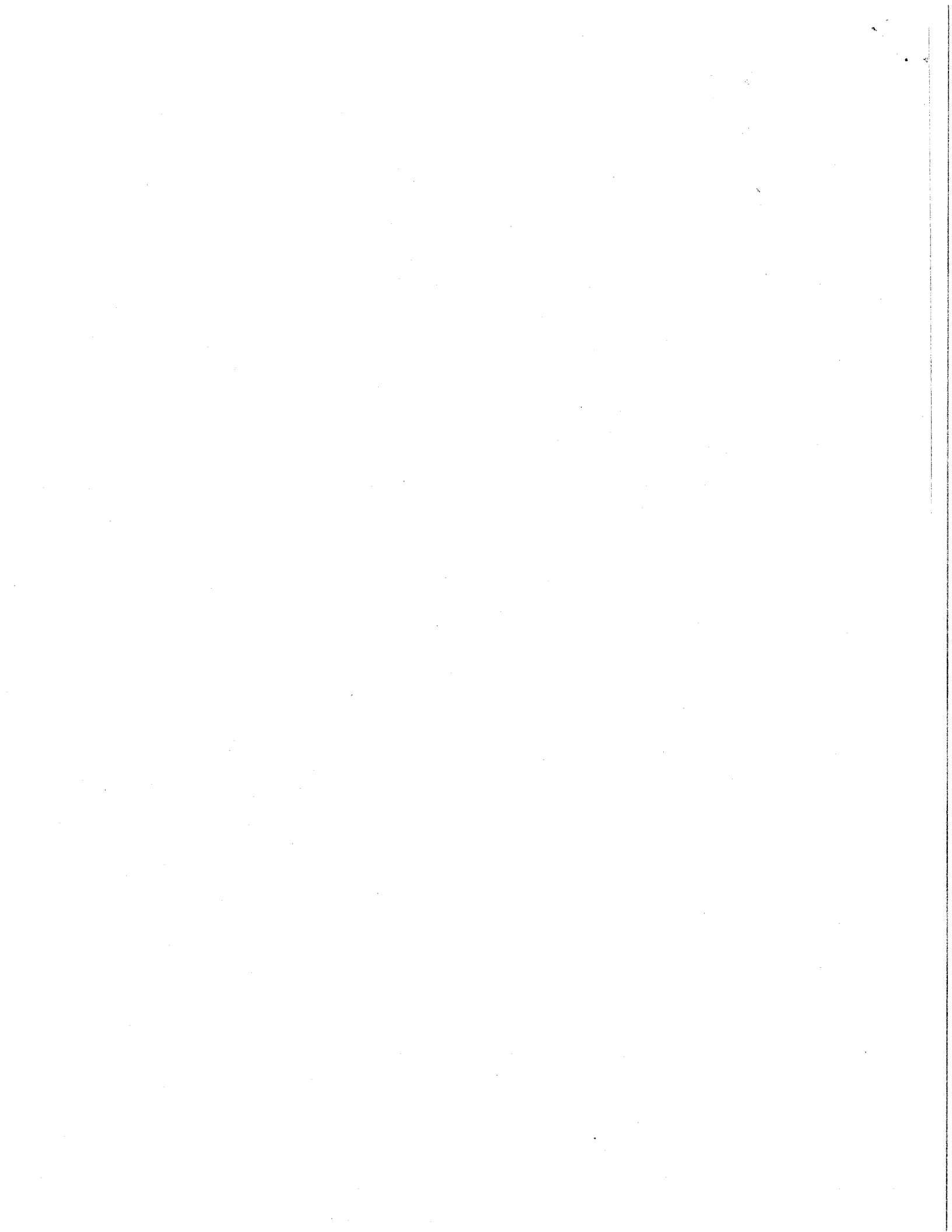
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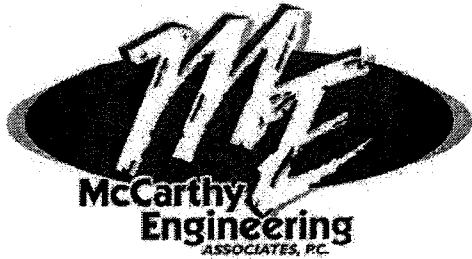
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Professional Engineers, Planners and Surveyors

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